

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jason M. Russell,

Plaintiff,

v.

Billy D. Bailey,

Defendant.

Case No. 1:09cv878

Judge Michael R. Barrett

ORDER

This matter is before the Court on the Report and Recommendation ("Report") filed by Magistrate Judge Karen L. Litkovitz on March 16, 2011 (Doc. 44). Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report in a timely manner. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).¹ No objection to the Report has been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, this Court finds the Report to be correct. Accordingly, it is **ORDERED** that the Report is hereby **ADOPTED**. As the Report recommended (Doc. 44, 14), Defendant's motion for judgment on the pleadings (Doc. 34) is **GRANTED**.

IT IS SO ORDERED.

s/Michael R. Barrett
UNITED STATES DISTRICT JUDGE

¹ A notice was attached to the Report regarding objections. (Doc. 44, 15.)